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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,905	07/22/2003	Miklos P. Petervary	7784-000564	7076

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,905

Applicant(s)

PETERVARY ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 7,17,25,30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-16,18-24 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election with traverse of claims 1-30 in the reply filed on 5/26/05 is acknowledged. The traversal is on the ground(s) that there is no undue burden on the examiner to examine the product claim. This is not found persuasive because it has been shown that the elected process claims and the non-elected product claim are distinct. The search and consideration of two distinct inventions, which are classified in different classes, is a burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claim 31 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/26/05.

3. Applicant's election of claims 1-6,8-16,18-24, and 26-29 in the reply filed on 1/24/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

4. Claims 7,17,25, and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/24/06.

5. In the IDS (PTO-1449) filed 2/2/04, references 1 and 2 under U.S. Patent Documents have been crossed out because they should have been cited in the Other

Document section of the PTO-1449. The references have been listed on the PTO-892 attached herewith.

6. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The step of processing (cl 1, lns 4-5) is indefinite because it is unclear whether or not it is related to the step of disposing. If they are related, it should be clearly and positively recited as such.

Claim 6 is indefinite because there is no previous step of laminating.

Correction is required.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,2,3,4,5,10,11,12,13,14,15,16,18,19,20,21,23,24,26,27,28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Damon et al (GB 2323056 A). Damon et al teach the claimed process as evidenced at pg 2, 1st and 5th full paragraphs; pg 3, 8th full paragraph; pg 5, all the paragraphs; and figs 1-3. It should be noted that the pins of Damon et al extend through the composite panel of Damon et al, and they are straight, that is they produce holes that allow for a uni-directional flow.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6,8,9, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Damon et al (GB 2323056 A). The above teachings of Damon et al are incorporated hereinafter. In regard to claims 6 and 22, such is well-known in the molding art to infiltrate/impregnate a porous material in order to form a strong composite. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to infiltrate the porous composite panel of Damon et al with a laminating material in order to reinforce the composite panel. In regard to claim 8, the specific use of the porous laminated structure is a mere obvious matter of choice and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the use of a porous laminate as a cooling means is a well-known. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to cool a structure with ease by dispose the porous composite laminate of Damon et al adjacent the structure. In regard to claim 9, the specific use of the porous laminated structure is a mere obvious matter of choice and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the use of a porous laminate as a hot wall and a cooling means is a well-known. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make

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with ease the porous composite laminate of Damon et al into a hot wall and then to pass a coolant through the pores to cool the hot wall.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 3940532 teach needling a composite material of fibers and impregnating the pores and material with a resin.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EHL

EDMUND H. LEE
Primary Examiner
Art Unit 1732


4/17/06